

Hearing Date: December 14, 2021
Time: 10:30 a.m.

Opposition & Objection Date: December 7, 2021
Time: 4:00 pm

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In Re:

Case No. 1-21-40360-ESS

NICOLE CUMBERBATCH
a/k/a NICOLE CUMBERBATCH-COX,
dba Gloria's In & Out III
dba Gloria's In & Out 3,

Chapter 7

Debtor.

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed application of THE LAW FIRM OF RAVI BATRA, P.C., attorneys for judgment-creditors NEL-DEL REALTY ASSOCIATES, LLC and RAVI BATRA, a hearing will be held on DECEMBER 14, 2021, at 10:30 a.m., before the Honorable Elizabeth S. Stong, United States Bankruptcy Judge for the Eastern District of New York, to consider the motion for an Order:

i. granting relief pursuant to § 362(d) of the Bankruptcy Code and FRBP 4001(a)(1), further modifying, or conditioning the automatic bankruptcy stay to permit judgment-creditor Nel-Del Realty Associates, LLC, to exercise its ownership in fee, right to exclusive possession of 764 Nostrand Avenue, Brooklyn, New York (a/k/a 844 Sterling Place), Brooklyn, New York, and ability to enforce all final pre-petition orders and judgments issued with respect to 764 Nostrand Avenue, Brooklyn, New York (a/k/a 844 Sterling Place), Brooklyn, New York without restriction or limitation;

ii. clarifying and confirming that bankruptcy stay is inapplicable and/or has been terminated with respect to any actions, proceedings, or efforts by the judgment-creditors to exercise ownership, dominion, control and enforce their entitlement to exclusive possession to the real property and improvements at 764 Nostrand Avenue, Brooklyn, New York (a/k/a 844 Sterling Place, Brooklyn, New York), along with the personal and tangible property contained therein;

iii. pursuant to FRBP 4001(a)(3), waiving the 14-day stay of effectiveness of the order sought giving relief from the automatic stay; and,

iv. for such other and further relief, favorable to the moving judgment-creditors, as the Court may find to be just and proper.

Judge: Honorable Elizabeth S. Stong

Hearing date: December 14, 2021

Hearing time: 10:30 a.m.

Location: United States Bankruptcy Court
Eastern District of New York
Conrad B. Duberstein Courthouse
271-C Cadman Plaza East, Courtroom 3585
Brooklyn, NY 11201.

PLEASE TAKE FURTHER NOTICE, that all parties, including attorneys, clients, and *pro se* parties, may appear telephonically and parties do not need to request prior authorization to appear telephonically. All parties must email the Courtroom Deputy at: ess_hearings@nyeb.uscourts.gov at least twenty-four (24) hours in advance of the scheduled hearing to identify the parties that will appear and what case they are appearing on. All attorneys must also identify the party they represent. All phones must be placed on mute until your case is called. Below are the instructions to be used to dial in for the telephonic appearance:

- i. Dial-In Number: 888-808-6929
- ii. Access Code: 8523285
- iii. Announce who you are each time you speak.
- iv. Avoid the use of a speaker phone and/or cell phone. Use a landline if possible
- v. All persons not speaking should mute their phones.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the relief sought in the Motion shall be in writing, filed with the Court electronically by registered users of the Court's electronic case filing system and, by all other parties in interest, mailed to the Clerk of the United States Bankruptcy Court, Eastern District of New York, Conrad B. Duberstein Courthouse, 271-C Cadman Plaza East, Brooklyn, New York 11201-1800, and served in accordance upon: (i) The Law Firm of Ravi Batra, P.C., *Attorneys for Judgment-Creditors Nel-Del Realty Associates, LLC and Ravi Batra*, Westchester Office - Echo Law, 11 Echo Bay Drive, New Rochelle, NY 10805; (ii) Justin Krell, Esq., SilvermanAcampora LLP, *Attorneys for Chapter 7 Trustee Debra Kramer*, 100 Jericho Quadrangle, Suite 300, Jericho, NY 11753; (iii) the Office of the United States Trustee, Eastern District of New York (Brooklyn Office), U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, NY 10014; and, (iv) Morrison + Tenenbaum PLLC, Attorneys for the Debtor, 87 Walker Street, Floor 2, New York, NY 10013; Att: Lawrence F. Morrison, Esq. & Brian J. Hufnagel, Esq., so as to be filed and received by no later than December 7, 2021 at 4:00 p.m..

PLEASE TAKE FURTHER NOTICE, that this motion is in addition to, not in place of, the movants' prior, and still pending and carried cross-motion, filed March 15, 2021, seeking a complete vacatur and termination of the automatic stay with respect to the movants. (ECF Doc. 34).

PLEASE TAKE FURTHER NOTICE, that pursuant to Local Bankruptcy Court Rule 9006-1, any answering papers must be served so as to be received at least 7 days before the hearing date.

PLEASE TAKE FURTHER NOTICE, that you need not appear at the Hearing if you do not object to the relief requested in the Motion.

Dated: November 24, 2021

Respectfully submitted,
THE LAW FIRM OF RAVI BATRA, P.C.

/s/ Ravi Batra
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